

Appl. No. 10/052,094
Amdt. Dated August 9, 2005
Reply to Office action of June 17, 2005

APP 1365

Remarks/Arguments

The Examiner has rejected claims 18 and 19, 35 USC 112, first paragraph, because the applicant's disclosure does not disclose the first communication device having appearances "on the local network", has objected to claim 18 for its employment of the terminology "can be", has rejected, 35 USC 102 (b) claim 18 as anticipated by McCann et al patent 6,052,725 (hereinafter McCann), and has rejected claim 19, 35 USC 103(a) as unpatentable over McCann in view of Calhoun patent 6,463,475. In response thereto applicant has cancelled claim 18, replacing it with a new claim 21, has amended claim 19, and is presenting a new claim 20 dependent on amended claim 19.

The claims, as now presented, do not recite "a local network". Thus new claim 21 recites a firewall and "a first communication device behind said firewall and having a primary IP address." Claim 21 then recites the secure hub and recites its elements for assigning a secondary IP address to the first communication device. New claim 21 also now just recites the pool of available IP addresses and means for assigning an IP address from the pool to the established single virtual pipe using the assigned secondary IP address.

Withdrawal of any rejection under Section 112 and any objection as to claim language is therefore respectfully requested.

Applicants respectfully disagree with the Examiner's description of the disclosure and teaching of McCann. McCann is concerned with the use of various routers to assign non-local dynamic IP addresses, but has no teaching or suggestion with respect to the problem to which applicants' invention is directed, namely allowing devices separated by a firewall to communicate without requiring a reconfiguration of the firewall. The Examiner has, applicants respectfully submit, erroneously equated the McCann router 22 as being a firewall or, in the language of applicants' claim 19, a "security access blocking apparatus". Such is just not the case. Routers and firewalls are two clearly distinct and well known elements of communication systems. The Examiner is referred to the definition of a router at <http://en.wikipedia.org/wiki/Router> and of a firewall at http://en.wikipedia.org/wiki/Firewall_%28networking%29.

The important distinction between a router and a firewall is that a router provides for bidirectional communication there through, as is clearly described in McCann with respect to the functioning of the routers of his system. In direct opposition to this, a firewall is an element that allows outgoing communication, unless special procedures are invoked, but specifically blocks incoming communication, again unless special procedures, such as reconfiguration, are invoked. Thus, there is nothing in McCann to suggest that his system can be used in a secure environment wherein access is normally prevented for incoming communications.

Appl. No. 10/052,094
Amdt. Dated August 9, 2005
Reply to Office action of June 17, 2005

APP 1365

Applicants' invention significantly involves both a firewall and a secure hub. The Examiner's error in relying on McCann can also be seen from the fact that the Examiner asserts that a router is the same as both of these distinct elements, namely equating the McCann router 22 to applicants' firewall or access blocking apparatus and then equating the McCann router 34 to applicants' secure hub. However, in neither case can the McCann router function as described in applicants' specification and recited in applicants' claims. Thus McCann requires that communications from communication device 16 to the remote network 32 or the IP network 14 pass through the McCann local router 22 in both directions. Similarly, McCann describes the function and use of the remote router 34 by stating the remote router 34 "receives communications from other networks and determines the paths that the communications should follow." (Column 5, lines 33-35) This is to be contrasted with, for example, the specific recitations of the elements of the secure hub as recited in applicants' new claim 21. Thus, the McCann remote router 35 does not include means in response to the first communication device for establishing a single virtual pipe between the first communication device and the secure hub. Further McCann does not include, as also recited in applicants' new claim 21, means for tunneling over the established virtual pipe to bypass the access blocking apparatus. McCann's use of his tunnel 44, as described at Column 7, lines 18-22 cited by the Examiner, does not involve bypassing the McCann router 22, which, of course, is actually not access blocking apparatus, as discussed above.

The Examiner has also relied secondarily on Calhoun. Calhoun's disclosure does not overcome the deficiencies of the primary reference McCann, as discussed above, since Calhoun, as noted by the Examiner, has a disclosure of a tunnel switch 100 for general routing and switching functionalities in a system with plural tunnel connections. There is no mention or hint, in Calhoun, of bypassing a firewall. The fact that the Examiner's reliance on Calhoun is misplaced can be seen from the Examiner's assertion that it would have been obvious to combine McCann with Calhoun "because it would control of (sic) tunnel access to the destination network/device and thereby reducing congestion at destination." Applicants' invention is not directed to solving any problem which requires reducing congestion at destination.

Claim 19, as amended, clearly recites applicants' security access blocking apparatus which treats incoming and outgoing communication differently and applicants' secure hub which establishes the virtual pipe and assigns a secondary IP address to the first communication device.

New claim 21, as discussed above, similarly recites applicants' firewall and the secure hub which interfaces to the public network and establishes, in response to a communication from the first communication device and which can pass through the firewall as it is an outgoing communication, a single virtual pipe, and assigns a secondary IP address to the first communication device for subsequent incoming communications which reach the first communication device over the virtual pipe, thereby bypassing the firewall.

Appl. No. 10/052,094
Amdt. Dated August 9, 2005
Reply to Office action of June 17, 2005

APP 1365

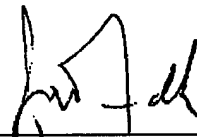
Reconsideration and allowance of claim 19 and favorable consideration and allowance of new claims 20 and 21 are therefore respectfully requested.

It is believed that this application is now in condition to be passed to issue, and such action is also respectfully requested. However, if the Examiner deems it would in any way expedite the prosecution of the application, he is invited to telephone applicants' attorney at the number set forth below.

Respectfully submitted,

David Marples et al

By



James W. Falk
Attorney for Applicants
Reg. No. 16,154
(732) 699-4465